

REMARKS

This Reply is in response to the Final Office Action mailed on November 16, 2004 in which Claims 10, 13-18 and 20-22 were allowed; in which Claim 33 was objected to; and in which Claims 1-9 and 23-32 were rejected. This response requests entry of amendments canceling Claims 2, 9, 25, 29 and 32, adding Claim 34 and amending Claims 1, 26 and 31. Upon entry of the requested amendments, Claims 1, 3-8, 10, 13-18, 20-28, 30-31 and 33-34 are presented for reconsideration and allowance.

I. Objection to Claims 31-33.

Paragraph 1 of the Office Action objected to Claims 31-33 noting that the phrase "and the second divider" is repeated. Claim 31 is amended to correct this typographical error.

II. Rejection of Claims 1-5 and 23-32 Under 35 U.S.C. § 102(b) Based Upon George.

Paragraph 3 of the Office Action rejected Claims 1-5 and 23-32 under 35 U.S.C. § 102(b) as being anticipated by George, U.S. Patent No. 4,398,712. This response proposes canceling Claims 2, 9, 25, 29 and 32 and amending Claims 1, 26 and 32. Claims 1, 3-5, 23-28 and 30-31, as amended, overcome the rejection based upon George.

A. Claim 1.

Claim 1, as amended, incorporates the limitations of dependent Claims 2 and 9. Thus, no new issues are believed to be raised by the amendments to Claim 1. Claim 1, as amended, recites a collator which includes a first output tray and a second output tray. The collator further includes a means for selectively engaging or disengaging the trays to selectively move the trays into desired positions.

Neither George nor Kubota, U.S. Patent No. 6,170,821, alone or in combination, discloses or suggests a collator having means for selectively engaging

or disengaging trays to move the tray into desired positions. In its failure to reject Claim 9 based upon George alone, the Office Action impliedly acknowledges that George fails to disclose means for selectively engaging or disengaging the trays to selectively move the trays into desired positions. As a result, paragraph 7 of the Office Action additionally attempts to rely upon Kubota, referencing column 4, lines 51-62, for satisfying this acknowledged deficiency of George. However, column 4, lines 51-62 of Kubota make clear that Kubota does not satisfy the deficiency. In particular, Kubota does not disclose means for selectively engaging or disengaging the trays to selectively move the trays into desired positions. In contrast, column 4, lines 51-62 merely disclose that tray 20 of Kubota is merely detachable from the device of Kubota. Nowhere does Kubota disclose means for selectively engaging and disengaging trays to selectively move trays into desired positions. Thus, Claim 1, is amended to incorporate the limitations of Claim 9 and intervening Claim 2, overcomes the rejection based upon George and is further patentably distinct over the prior art including both George and Kubota. Claims 3-5 depend from Claim 1 and overcome the rejection for the same reasons.

B. Claims 23 and 24.

Claim 23 recites a system for organizing printer output. Claim 23 recites a curved track compartments extending along the track, a motor in communication with the compartments and a controller in communication with the motor. The controller generates control signals to the motor to selectively position the compartments about the curved track.

Claim 24 recites a printer which includes a curved track, compartments attached to the curved track, a motor in communication with the compartments and a controller in communication with the motor, wherein the controller generates control signals to the motor to selectively position the compartments about the curved track.

George fails to disclose or suggest a system having a curved track and a controller which generates control signals causing a motor to selectively position

compartments about the curved track. In rejecting Claims 23 and 24, the Office Action characterizes quadrant plate 57 as the recited “curved track” and further asserts that the motor shown in FIGURE 3 is in communication with bin plates 1-5 so as to selectively position bin plates 1-5 (characterized as the compartments) about quadrant plate 57 (characterized as the curved track). However, as clearly shown by Figure 3, the motor of George is not in communication with any of bin plates 1-5 so as to selectively position bin plates 1-5 about a curved track. In contrast, the motor of George is in communication with quadrant plate 57 and selectively repositions quadrant plate 57. Bin plates 1-5 are pivotally attached to quadrant plate 57. Bin plates 1-5 do not move about quadrant plate 57. Rather than using a motor in communication compartments to selectively position the compartments about a curved track, George teaches a completely different system in which the motor is in communication with quadrant plate 57 (characterized as the curved track) to move quadrant plate 57 and the bin plates 1-5. In short, while Claim 23 recites using a motor to move compartments about a track, George teaches moving the “track” itself. Thus, the rejections of Claims 23 and 24 based upon George are improper and should be withdrawn.

C. Claim 26.

This response proposes amending Claim 26 to add the limitations of former dependent Claim 29. Thus, entry of the amendment to Claim 26 is requested since no new issues are believed to have been raised with the amendment to Claim 26. Claim 26, as amended, recites a collator which includes a first media, a second media divider, a first actuator configured to non-linearly move the first divider while the second divider remains stationary and a second actuator configured to move the first divider between a first position in which the first divider is operably engaged by the first actuator and a second position in which the first divider is operably disengaged from the first actuator.

George fails to disclose a collator which includes both a first actuator configured to non-linearly move the first divider while a second divider remains stationary and a second actuator configured to move the first divider between the

first position in which the first divider is operably engaged by the first actuator and a second position in which the first divider is operably disengaged from the first actuator. In contrast, George appears to merely disclose a single actuator or motor which moves quadrant plate 57 to move bin plates 1-5. Nowhere does George appear to disclose a second actuator configured to move one of bin plates 1-5 (characterized as the dividers) into and out of operable engagement with the motor of George. In rejecting Claim 29, whose limitations have now been incorporated into Claim 26, the Office Action refers to column 3, lines 34-65 and column 5, lines 63 - column 6, line 21 and the figures of George. However, nowhere do these citations nor any of the remainder of George appear to disclose both a first actuator configured to non-linearly move the first divider while a second divider remains stationary and a second actuator configured to move the first divider between the first position in which the first divider is operably engaged by the first actuator and a second position in which the first divider is operably disengaged from the first actuator. Thus, Claim 26, as amended, overcomes the rejection based upon George.

D. Claim 31.

This response proposes to amend Claim 31 to incorporate the limitations of former dependent Claim 32. Thus, entry of the amendment to Claim 31 is requested since the amendment raises no new issues. Claim 31, as amended, recites a printer having a collator which includes an actuator configured to non-linearly move a first divider and a second divider between a first position in which the first divider and the second divider extend over and parallel to a surface and a second position in which the first divider and the second divider extend perpendicular to the surface to expose the surface.

George fails to disclose a first divider and a second divider which are movable between a first position in which the first divider and the second divider extend over and parallel to a surface and a second position in which the first divider and the second divider extend perpendicular to the surface to expose the surface.

Regardless of what is construed or characterized as the surface in George, bin

plates 1-5 cannot move between a first position in which the bin plates extend parallel to the surface and a second position in which the bin plates extend perpendicular to the surface. To do so would require that the bin plates be movable through at least 90 degrees (the angular space in between parallel and perpendicular). However, nowhere does George disclose that bin plates 1-5 may be rotated through at least 90 degrees. In fact, the construction of George prevents bin plates 1-5 from rotating through 90 degrees. Thus, bin plates 1-5 of George cannot rotate between a first position in which a bin plate extends parallel to a surface and a second position in which the bin plate extends perpendicular to the surface. Accordingly, Claim 31, as amended, overcomes the rejection based upon George.

III. Rejection of Claims 6-7 Under 35 U.S.C. § 103(a) Based Upon George and Salgado.

Paragraph 5 of the Office Action rejected Claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over George, U.S. Patent No. 4,398,712 in view of Salgado et al., U.S. Patent No. 5,898,592. Claim 7 ultimately depends from Claim 1 and recites that the first output tray is positioned approximately perpendicular to the curved track and is rotatable about an axis of the track. The Office Action impliedly acknowledges the George fails to disclose an output tray positioned perpendicular to the curved track and rotatable about an axis of the track. As a result, the Office Action attempts to rely on Salgado. However, Salgado fails to satisfy this deficiency. In rejecting Claim 7 additionally based upon Salgado, the Office Action refers to output trays 35 positioned perpendicular to the curved track and rotatable on an axis of the track. Salgado has no element number 35. Moreover, column 2, line 57 – column 3, line 11 and Figures 1 and 4 of Salgado fail to disclose any output tray extending perpendicular to a curved track. Further, George also fails to disclose an output tray 35. Thus, the rejection of Claim 7 based upon George and Salgado is improper and should be withdrawn. Claim 6 also depends from Claim 1 and overcomes the rejection based upon George and Salgado for the same reasons discussed above with respect to Claim 1.

IV. Rejection of Claim 8 Under 35 U.S.C. § 103 Based Upon George, Salgado and Ohmichi.

Paragraph 6 of the Office Action rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over George in view of Salgado et al. and further in view of Ohmichi et al., U.S. Patent No. 5,551,680. Claim 8 depends from Claim 7 and further recites that the curved track is shaped to enable the first output tray to be sufficiently rotated to expose one or more access doors, to expose other printer features or to selectively disable the collator.

Neither George, Salgado nor Ohmichi, alone or in combination, disclose or suggest a collator wherein an output tray may be rotated about a curved track so as to expose one or more access doors, to expose other printer features or to selectively disable the collator. Paragraph 6 of the Office Action acknowledges that neither George nor Salgado disclose a curved track that is shaped to enable the output trays to be sufficiently rotated to expose one or more access doors, expose other printer features or to selectively disable the collator. As a result, the Office Action attempts to satisfy the sufficiency by relying upon Ohmichi. However, nowhere does Ohmichi disclose that its output trays 30 ever rotate about the axis of the track. In fact, trays 30 merely move upward and downward along the axis of camming members 51 as camming members 51 are rotated. Trays 30 do not rotate about the axis of camming members 51. Trays 30 of Ohmichi do not rotate about an axis of the track as required by Claim 7 from which Claim 8 depends. Trays 30 do not rotate about the axis of the track by an extent sufficient to expose one or more access doors, to expose other printer features or to selectively disable the collator as recited in Claim 8.

Moreover, no teaching or suggestion exists for modifying George and Salgado based upon Ohmichi. George discloses a sheet sorter which operates in a completely distinct manner as compared to the sheet sorting apparatus of Ohmichi. In George, plates 1-5 are moved by rotating quadrant plate 57 about an axis. In Ohmichi, output trays 30 never rotate but merely rise up and down in response to rotation to camming member 51. To modify George to include camming member 51

of Ohmichi and its output trays would require a complete reworking of George and would destroy the intended functioning of George or alternatively destroy the intended functioning of Ohmichi. (See MPEP 2143.02.) In addition, neither George nor Ohmichi provide any teaching or suggestion as to how one of ordinary skill in the art would modify George absent the use of Applicant's own disclosure as a blueprint. Accordingly, the rejection of Claim 8, based upon George, Salgado and Ohmichi is improper and should be withdrawn for this additional reason.

V. Rejection of Claim 9 Under 35 U.S.C. § 103(a) Based Upon George and Kubota.

Paragraph 7 of the Office Action rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over George in view of Kubota, U.S. Patent No. 6,170,821. Claim 9 is cancelled with its limitations incorporated into Claim 1, rendering the rejection of Claim 9 moot.

VI. Added Claim 34.

With this response, Claim 8 has been rewritten in independent form including all of the limitations of base Claim 1 and intervening Claims 4, 6 and 7. As noted above with respect to the rejection of Claim 8, neither George, Salgado nor Ohmichi, disclose or suggest a curved track shaped to enable an output tray to rotate about an axis of the track so as to expose one or more access doors, to expose other printer features or to selectively disable the collator. The prior art of record also fails to disclose such features. Accordingly, added Claim 34 is presented for consideration and allowance.

VII. Conclusion.

After amending the claims as set forth above, Claims 1, 3-8, 10, 13-18, 20-28, 30-31 and 33-34 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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